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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/040,509 03/17/98 KATZ

R	233-134
EXAMINER	

LMC1/0323

LYON AND LYON
FIRST INTERSTATE WORLD CENTER
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LOS ANGELES CA 90071-2066

WFO UNIT	PAPER NUMBER
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DATE MAILED:

03/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/040,509

Applicant(s)

Katz

Examiner
Stella Woo

Group Art Unit
2743



☒ Responsive to communication(s) filed on Jan 13, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 29-40 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 29-40 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2743

DETAILED ACTION

1. The terminal disclaimer filed on January 13, 1999 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 4,792,968 has been reviewed and is accepted. The terminal disclaimer has been recorded.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (hereinafter "Hester") for the same reasons given in the last Office action and repeated below.

Regarding claims 29-31, 33-35, Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph).

Application/Control Number: 09/040,509

Art Unit: 2743

Regarding claim 32, note attendant line interface (Fig. 1).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hester in view of Barger, Jr. et al. (Barger) for the same reasons given in the last Office action and repeated below.

Hester differs from claims 36-40 in that it does not specify defining a limit on use. However, Barger teaches the desirability of defining a limit on the number of uses by identified callers in an interactive voice-telephony system (col. 11, lines 34-47) such that it would have been obvious to an artisan of ordinary skill to incorporate the limited use feature, as taught by Barger, within the interactive voice-telephone system of Hester.

6. Applicant's arguments filed January 13, 1999 have been fully considered but they are not persuasive.

Applicant argues that in Hester, "[t]here is no description of storage of data obtained from callers during telephone calls, in an identifiable relationship to the callers." The examiner disagrees. In addition to information retrieval services (such as stock quote data as pointed out by applicant), Hester clearly provides for various applications in which data received from callers

Art Unit: 2743

would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

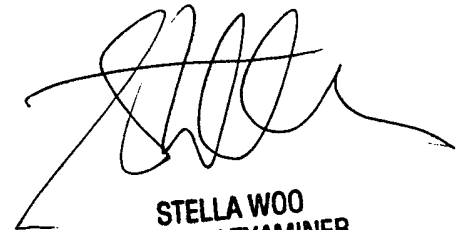
Art Unit: 2743

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,
Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached Monday - Friday, 6:30 a.m. until 11:30 a.m.

March 20, 1999



**STELLA WOO
PRIMARY EXAMINER**